

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Alampur (Mandal) Kudavelly (Village) – O.P.Nos.26/84, 33/84, 44/84, 101/87 & 983/85 (total 5 O.Ps) - Sanction of decretal charges of **Rs.10,37,162/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 168

DATE:02.03.2009

Read:

From the Spl.Collector, Bheema Project, Mahabubnagar Lr.No.E/PJP/
228/2008, dated:27.01.2008.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.Nos.26/84, 33/84, 44/84, 101/87 & 983/85 (total 5 O.Ps) pertaining to Kudavelly (V) Alampur (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired for structures in the limits of Kudavelly (V) Alampur (M) of Mahabubnagar District by fixing the market value @Rs.0.53 Ps per Sq.Mtrs vide Award No.26/78, dt:17.11.78. Aggrieved with the market value awarded by the LAO, the awardees have filed petitions U/s.18 (1) of L.A.Act with a request to refer the matter to the Civil Court for adjudication. The Sr.Civil Judge, Gadwal in its orders dt:30.08.2005 had delivered judgments by enhancing the compensation amount @Rs.20/- per sq.mtr for the built up area and open site and @5 times (1+4) more than the amount awarded by the LAO. The Lower Court granted statutory benefits U/s.23 (2) and 28 of the L.A.Act. Where as the LAO fixed @0.53 paise per sq.mtr for the built up area and open site and structure value adopted as per the valuation furnished by the PWD authorities. The Sr.Civil Judge, Gadwal has enhanced the compensation amount in above O.Ps basing on the earlier judgment of Hon'ble High Court in A.S.No.250/85 and batch dt:20.12.1989 in O.P.No.793/79 & batch dt:29.09.83 of Kudavelli (V) of Alampur (M) relating to the houses and house sites acquired under Srisailem Project, in which the Hon'ble H.C enhanced the compensation amount @Rs.20/- per sq.mtr for the built up area and open site and @5 times more than the amount awarded by the LAO for the structures. In the earlier judgment of the Hon'ble H.C referred above in A.S.No.250/85 & batch dt:20.02.1989, the then LAO has filed LPAs in the Hon'ble H.C and the same have been dismissed. In this case, claimants have filed Contempt Case No.1767/2008 in W.P.No.28026/2007.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.10,37,162/- (Rupees Ten lakhs thirty seven thousand one hundred and sixty two only)** in respect of O.P.Nos. 26/84, 33/84, 44/84, 101/87 & 983/85 (total 5 O.Ps) pertaining to Kudavelly (V) Alampur (M) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land

(PTO)

Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

The expenditure sanctioned in para (2) above shall be debit to following Head of Account under "4701- SMJH – 01- Major Irrigation – M.H.122 – Jurala Project G.H.11 – NSP – SH (26) – Dams and Appurtenant works - 530 Major Works – 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.714/F2(2)/2009-1, dated 26.02.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Bheema Project, Mahabubnagar.
The Engineer-in-Chief, I&CAD, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.1637/LA.III(A2)/2009
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER